

**No. 3:16cv2503**

**(Judge Munley)**

**(Magistrate Judge Saporito)**

## ORDER

**AND NOW**, to wit, this 21<sup>st</sup> day of February 2018, we have before us for disposition Magistrate Judge Joseph F. Saporito Jr.'s report and recommendation, which proposes the denial of the plaintiff's social security appeal. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

<sup>1</sup> The original plaintiff in this action was Carolyn Colvin, who at the time was the Acting Commissioner of Social Security. Nancy A. Berryhill is now the Acting Commissioner. Thus, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Berryhill is automatically substituted as the named defendant.

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 16) is **ADOPTED**;
- 2) The plaintiff's request for remand for a new administrative determination or award of benefits is **DENIED**;
- 3) The Commissioner's final decision denying plaintiff's application for benefits is **AFFIRMED**;
- 4) The Clerk of Court is directed to enter judgment in favor of the Acting Commissioner of Social Security and against plaintiff; and
- 5) The Clerk of Court is directed to close this case.

**BY THE COURT:**



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**JUDGE JAMES M. MUNLEY**  
**United States District Court**